

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**GLORIA BRINGAS, ON BEHALF OF
HERSELF AND ALL OTHERS SIMILARLY
SITUATED**

Plaintiffs,

v.

**ATENCION FAMILY SERVICES, AND
JENNIFER MULLER,**

Defendants.

Civil Action No. 1:18-CV-965-MV-KBM

ORDER ON JOINT STIPULATION OF NOTICE

The Court has reviewed the Parties' Joint Stipulation of Notice and hereby ENTERS the Stipulation as an Order of the Court.

A. IT IS HEREBY ORDERED that the Notice and Consent Form (attached to the Parties' Stipulation as Exhibit A) is timely, informative, and accurate and accordingly, the Court authorizes its dissemination as described in the Joint Stipulation. Nothing in this Order or in the Notice and/or Consent Form shall be interpreted as limiting, waiving, or modifying any of the Parties' claims and/or defenses, including Defendants' right to contest certification following discovery.

B. IT IS FURTHER ORDERED that the class shall consist of, and that Notice shall be sent to, all current and former hourly employees of Defendants who fall within the definition below (the "Potential Plaintiffs"):

All caregivers identified by Defendant as having worked over 40 hours per week in the last three years.

C. IT IS FURTHER ORDERED that Defendants shall produce the names, last known addresses, email addresses, if known, and telephone numbers of all Potential Plaintiffs ("Employee

Information”). Defendants shall provide the Employee Information within seven (7) days of the entry of this Order.


If Defendants fail to provide the Employee Information within seven (7) days of entry of this Order, the statute of limitations is equitably tolled for each day after the seventh day that Defendants fail to provide the Employee Information.

D. IT IS FURTHER ORDERED that the Notice submitted to the Parties’ Stipulation as Exhibit A may be immediately issued to the Potential Plaintiffs. The Consent to Join form attached in Exhibit A shall be enclosed with the Notice to Potential Plaintiffs, along with a self-addressed, postage paid return envelope for U.S. Postal Mailing. Plaintiffs are permitted to send additional subsequent mailing of this Notice at their expense. The Notice and Consent forms shall be mailed by first class mail or overnight delivery at Plaintiffs’ attorneys’ cost and may also be sent electronically by email, if available. The Potential Plaintiffs shall be provided sixty days after the date the Notice and Consent forms are initially mailed to file a Consent to Join form opting in to this litigation (the “Opt-In Deadline”), unless the Parties agree to permit late filings or good cause can be shown as to why the consent was not postmarked or received prior to the deadline.

E. IT IS FURTHER ORDERED that a Consent to Join that is postmarked on the Opt-In Deadline will be considered timely. The Parties further agree that Consents received by mail without postmarks shall be considered timely if received within five business days of the deadline. Plaintiffs shall provide the Court and opposing counsel with a notice indicating the date on which the Notice forms were initially mailed, so that the Court and the Parties are advised of the beginning of the opt-in period and the Opt-In Deadline. Plaintiffs’ counsel shall date-stamp the returned Consents on the day that they are received in counsel’s office and retain any envelope or other evidence showing the date that the Consent form was postmarked, fax-stamped, or received.

F. IT IS FURTHER ORDERED that Defendants will include this Notice and Consent Form in the pay envelope of each of the currently employed Potential Plaintiffs within fifteen (15) days of the date on which Defendants provide Employee information to Plaintiffs.

So ORDERED and SIGNED this 6th day of May, 2019.



HONORABLE MARTHA VÁZQUEZ
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND SUBSTANCE:

FOR PLAINTIFF:

/s/ Christopher Benoit
Christopher Benoit

FOR DEFENDANTS:

/s/ Christopher Moody (with permission)
Christopher Moody